

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2005/007194

International filing date (day/month/year)
07.04.2005

Priority date (day/month/year)
14.04.2004

International Patent Classification (IPC) or both national classification and IPC
G06K7/00, G06K19/07

Applicant
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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INTERNATIONAL SEARCHING AUTHORITYInternational application No.
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iAP20 Rec'd PCT/PTO 18 JUL 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-16
	No: Claims	
Inventive step (IS)	Yes: Claims	4,6,8-12
	No: Claims	1-3,5,7,13-16
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

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Re Items V. and VIII.

- 1 Reference is made to the following documents :

D1: "IDENTIFICATION CARDS - CONTACTLESS INTEGRATED CIRCUIT(S)
 CARDS - PROXIMITY CARDS - PROXIMITY CARDS - CARTES
 D'IDENTIFICATION - CARTES A CIRCUIT(S) INTEGRE(S) SANS CONTACT
 CARTES DE PROXIMITE -" INTERNATIONAL STANDARD ISO/IEC 14443-3,
 1 February 2001, pages I-VII,1, XP001146902
 D2: DE 101 61 302 A1 (INFINEON TECHNOLOGIES AG) 3 July 2003

- 2 In the last feature of claim 1 (cf. lines 14-19), it is distinguished between (i) the identifier determined by the identifier determination unit, and (ii) the identifier held in the determined identifier storage unit. This distinction appears to be completely redundant because the identifiers held in the storage unit are determined by the determination unit as it is clearly indicated in the third feature of claim 1 (cf. lines 9/10). Accordingly, the identifiers are necessarily identical and, therefore, the distinction made in said last feature is highly misleading and renders claim 1 unclear.
- 3 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not inventive in the sense of Article 33(3) PCT.

The ISO/IEC standard 14443-3 as shown in document D1 concerns contactless cards (PICC) that communicate with a reader/writer (PDC) after being supplied with electric power.

According to document D1, a contactless card compliant to this standard is operable to detect electric power enough to communicate with the reader/writer (cf. chapter 7.4.3 and 7.4.4: state transition from POWER-OFF to IDLE). Furthermore, there is no doubt that there has to be a corresponding power detection unit to realise this function although the standard does not explicitly mention a power detection unit but merely defines its function.

According to the standard, said cards are operable to determine an identifier that identifies the contactless card (cf. chapter 6.4.4: UID or chapter 7.9.2: PUPI), operable to receive, from the reader/writer, a command requesting (cf. 6.3.1: REQA or 7.4.5: REQB) that the identifier that identifies the contactless card should be sent to the reader/writer; and operable to send, to the reader/writer, (i) the identifier (UID or PUPI) determined by the identifier determination unit.

Clearly, a contactless card operable to perform these functions comprises corresponding units, namely an identifier determination unit, a receiving unit and a sending unit.

The ISO/IEC standard 14443-3 (D1) also defines that the identifier (UID or PUPI) may be a number which is dynamically generated (cf. chapter 6.4.4 or chapter 7.9.2). For a person skilled in the art, it is perfectly clear that if the identifier is dynamically generated (or determined) as proposed by the standard, this identifier must necessarily be held in some kind of storage. Such a storage, however, may be called a determined identifier storage unit.

It is furthermore clear from chapter 7.9.2 of D1 that said dynamically determined identifiers have to be generated when the IDLE state is entered (cf. chapter 7.9.2: "The PUPI may only change in the IDLE state"). The state transition into the IDLE state, however, takes place when the contactless card detects that there is sufficient power to communicate with the reader writer. Hence, in the case of dynamically determined identifiers, the identifier detection unit determines an identifier every time the power detection unit detects that there is enough electrical power.

Accordingly, as far as the subject-matter of claim 1 is clear, its features are at least clearly suggested by the ISO/IEC 14443 standard (D1).

Hence, claim 1 does not meet the requirements of Article 33(3) PCT.

- 4 The subject-matter of claim 1 is not inventive in view of document D2.

D2 discloses an contactless device which communicates with a reader/writer after being supplied with electric power, the device comprises an identifier determination

unit (1, 2) operable to determine an identifier that identifies the contactless card, every time the power detection unit detects the enough electric power (cf. figure and paragraph [0025]); a determined identifier storage unit (3) operable to hold the identifier determined by the identifier determination unit (cf. column 4, lines 45/46); and a sending unit operable to send, to the reader/writer, the identifier determined by the identifier determination unit.

The subject-matter of claim 1, as far as it is clear, only differs from the embodiment described in D2 in that it comprises a receiving unit operable to receive a command from a reader/writer because this embodiment does not comprise a receiving unit (cf. paragraph [0007]). However, D2 mentions in its introduction that generally two types of contactless devices exist. One with a communication channel from the reader/writer to the device (and consequently with a receiving unit) and one without such a communication channel (cf. paragraph [0003]). Therefore, the application of the teachings of D2 in a contactless card with a receiving unit has to be considered obvious for the skilled person.

Hence, claim 1 does not meet the requirements of Article 33(3) PCT.

- 5 Independent claims 13-16 are directed to a communication method, an integrated circuit in a contactless card, a program for sending an identifier, and a storage medium in which a corresponding program is stored. All of these claims are worded in perfect analogy to claim 1 so that similar objections apply.

Hence, these claims do not meet the requirements of Articles 6 PCT and 33(3) as well.

- 6 The features added by the following claims are also known from the cited documents:
- Claim 2: The identifier is the identifier that identifies the device (cf. D1, UID/PUPI; D2: abstract)
 - Claim 3: The identifier is made up of a fixed value portion (Speicher 4) and a random number portion (Speicher 3) (cf. D2, paragraph [0025]).
 - Claim 5: The identifier is determined by using a random number (cf. D1, chapter 6.4.4; D2, paragraph [0025]).

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Claim 7: Its features merely refer to the ISO/IEC standard 14443 (cf. D1).

Hence, the subject-matter of these claims is not inventive as well (Article 33(3) PCT).